

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION

NORTHERN PLAINS
RESOURCE COUNCIL, et al.,

Plaintiffs,

v.

U.S. ARMY CORPS OF
ENGINEERS, et al.,

Defendants,

TC ENERGY CORPORATION,
et al.,

Defendant-
Intervenors,

STATE OF MONTANA,

Defendant-
Intervenor,

AMERICAN GAS
ASSOCIATION, et al.,

Defendant-
Intervenors.

CV-19-44-GF-BMM

Declaration of Gary Wiens

I, Gary Wiens, hereby declare as follows:

1. I am currently employed as Chief Executive Officer of Montana Electric Cooperatives' Association ("MECA"). In this capacity, I am familiar with our members' planned projects and attributes.

2. MECA represents 25 consumer-owned electric distribution cooperatives and three generation and transmission cooperatives. Electric cooperatives provide electricity service to more than 400,000 Montanans, which is roughly 40 percent of the State's population. The cooperatives' service areas cover all 56 Montana counties. Collectively, Montana's electric cooperatives own and operate more than 56,000 miles of distribution power lines in Montana. Each cooperative is customer-owned, locally controlled and not-for-profit.

3. In this short time since the Court issued its Order, our members have been unable to identify the individual projects that otherwise would have relief on Nationwide Permit 12 ("NWP 12"). One cooperative said they counted over 200 crossings fitting the criteria—an individual line with multiple crossings of rivers, creeks, or wetlands—in one township alone. With over 2,100 miles of line, they estimated thousands of water crossings. Another cooperative said they are estimating 250 water crossings in their territory under the criteria.

4. MECA's members serve rural communities across the State and have exceedingly long distribution lines. Statewide, electric cooperatives average only three members and four meters per mile of

line. As a result, MECA's members may face significant impacts by a lack of access to NWP 12.

5. Further, because NWP 12 covers utility line repairs, MECA's members may use NWP 12 many times over when severe storms or wildfires occur.

6. Some of MECA's members also plan to provide service to the Keystone XL Pipeline including providing electricity to multiple man camps, pipeline pumping stations, and the valves used for shutting down the pipeline. These cooperatives are also responsible for constructing electric lines and substations needed for the project in Montana. Providing service to the Keystone XL Pipeline would result in considerable load growth to some of our members located in eastern Montana. Uncertainty surrounding the Keystone XL Pipeline has made planning difficult for these MECA members.

Pursuant to 28 U.S.C. § 1746, I declare under the penalty of perjury that the foregoing is true and correct to best of my knowledge.

Executed on April 29, 2020 at Cascade County, Montana.

/s/ Gary Wiens
Gary Wiens

CERTIFICATE OF SERVICE

I hereby certify that on this date, an accurate copy of the foregoing document was served electronically through the Court's CM/ECF system on registered counsel.

Dated: April 29, 2020

/s/ Jeremiah Langston

JEREMIAH LANGSTON
Assistant Attorney General

Counsel for Defendant-Intervenor